

CHAPTER 56

STOCKBRIDGE-MUNSEE TRIBAL LAW FOOD SERVICE CODE

Section 56.1 Definitions

For the purpose of this Code:

- (A) "Council" means the official Chairperson and quorum of committee representatives all of whom are duly elected or selected to office by the members of the Stockbridge-Munsee Band of Mohican Indians as their official representatives.
- (B) "Environmental Health Advisor" means the U.S. Public Health Service Sanitarian or his/her designee.
- (C) "Health Director" means the duly appointed Director of the Stockbridge-Munsee Health Department or his/her designee.
- (D) "Food Service Establishment" means a unit or location where food is processed and intended for individual consumption usually for retail sale. The term includes any such place whether consumption is on or off the premises. This term includes home kitchens that prepare food for sale.
- (E) "Retail Food Establishment" means a unit or location in which food is manufactured, cut, mixed, ground, packaged, and processed for sale or distribution to consumers.
- (F) "Retail Food Outlet" means a unit or location at which food is offered for sale or distribution with no cutting, mixing, grinding, packaging, or processing.
- (G) "Temporary Food Service Establishment" means a food service establishment that operates at a fixed location for a period of not more than 14 consecutive days in conjunction with a single event or celebration.

Section 56.2 Food Service Permits

(A) No person shall operate a food service establishment who does not have a valid FOOD SERVICE PERMIT issued to him/her by the Health Director. Only a person who complies with the requirements of this Code shall be entitled to receive or retain such a permit. Permits are not transferable. A valid permit shall be posted in every food service establishment.

- (1) Permanent, non-temporary commercial food service establishments operating on the Stockbridge-Munsee Indian Reservation must possess an unsuspended, unrevoked FOOD SERVICE PERMIT from the Health Director. Food Service permits will be issued as follows:

(a) All permanent facilities must meet the general requirements of the 1976 edition of the Food and Drug Administration's "FOOD SERVICE SANITATION MANUAL" or the 1982 edition of the Food and Drug Administration's "RETAIL FOOD STORE SANITATION CODE" or the most current edition of said manual or code; whichever is applicable.

(b) The Environmental Health Advisor shall submit a completed food service establishment inspection report to the Health Director.

(c) The Health Director shall issue a FOOD SERVICE PERMIT if the following conditions are met:

(i) A score of at least "75" out of a perfect "100" was recorded on Form FDA 2420, or Form FDA 3079, or the most current edition of these forms, and

(ii) There were no "critical item" deficiencies noted on Form FDA 2420, or FDA Form 3079 or the most current edition of these forms.

(d) Food Service permits shall be issued for a 12 month period following approval by the Health Director. Renewal of the permit is to be accomplished by notifying the Health Director, who will then request the Environmental Health Advisor to inspect the premises.

(e) Food Service permits shall be displayed in a conspicuous location within food service establishments.

(B) No person shall operate a temporary food service establishment who does not have a valid TEMPORARY FOOD SERVICE PERMIT issued to him by the Health Director, Stockbridge-Munsee Band of Mohican Indians. Only a person who complies with the requirements of this ordinance shall be entitled to receive or retain such a permit. Permits are not transferable.

(1) Temporary food service establishments, operating on the Stockbridge-Munsee Indian Reservation, must possess an unsuspended, unrevoked TEMPORARY FOOD SERVICE PERMIT from the Health Director, Stockbridge-Munsee Band of Mohican Indians. Temporary Food Service Permits will be issued as follows:

(a) All temporary facilities must meet the general requirements of the Stockbridge-Munsee Band of Mohican Indians' "TEMPORARY FOOD SERVICE GUIDELINES".

(b) The Health Director shall issue a TEMPORARY FOOD SERVICE PERMIT to the operator of a temporary food service facility if the operator of said establishment has reviewed the "TEMPORARY FOOD SERVICE GUIDELINES" and signed an agreement to comply with these guidelines.

(c) Temporary food service permits shall be issued for a period of time as designated by the Health Director.

(d) Temporary Food Service Permits shall be prominently displayed within the food service establishment.

(C) Three (3) copies each of the most current edition of the "FOOD SERVICE SANITATION MANUAL", the "RETAIL FOOD STORE SANITATION CODE", and the "TEMPORARY FOOD SERVICE GUIDELINES" shall be on file in the office of the Health Director.

(D) All food service employees will be required to obtain and possess a current FOOD HANDLER CERTIFICATE. The FOOD HANDLER CERTIFICATE will be issued by the Health Director and will be valid for one year after issuance.

(1) To obtain a FOOD HANDLER CERTIFICATE, the food service employees must attend a Food Service Training Session, sponsored by the Stockbridge-Munsee Health Department, and present the negative results of a tuberculosis (Mantoux) test.

(2) Food Service Training Sessions will be presented on a quarterly schedule as published by the Health Director. Mantoux tests will be available from the Stockbridge-Munsee Health Department.

(3) Copies of all FOOD SERVICE PERMITS, TEMPORARY FOOD SERVICE PERMITS, and FOOD HANDLER CERTIFICATES will be maintained by the Director, Stockbridge-Munsee Health Department, or his/her designee.

Section 56.3 Inspections

(A) The Stockbridge-Munsee Tribal Council delegates inspection authority of all food service establishments on the Stockbridge-Munsee Indian Reservation to the Health Director and Environmental Health Advisor.

(B) Inspections shall be conducted at least annually of all permanent, non-temporary food service establishments by the Environmental Health Advisor or his designee. Findings shall be reported utilizing the Food Service Establishments Inspection Report Form FDA 2420, or Form FDA 3079 or the most current edition of said forms. Commercial establishment reports will be sent to the owner/operator of the facility, the Chairman of the Stockbridge-Munsee Tribal Council, and the Health Director of the Stockbridge-Munsee Health Department.

(C) Spot check inspections will be conducted periodically of temporary food service establishments by the Health Director or his/her designee. Each facility will be inspected at least once during its operation.

(D) The issuance of a FOOD SERVICE PERMIT or TEMPORARY FOOD SERVICE PERMIT carries with it the implied consent that the Health Director, Environmental Health Advisor, or their designee shall have, at all times, the right of proper entry upon any and all parts of the premises of any place in which such entry is necessary to carry out the provisions of this ordinance.

Section 56.4 Termination of Permits

If any individual or party, subject to the jurisdiction of the Stockbridge-Munsee Reservation, who also operates a food service establishment required to possess a FOOD SERVICE PERMIT or TEMPORARY FOOD SERVICE PERMIT, violates the aforementioned provisions, such violation shall constitute grounds for termination of that person's permit to trade on the Stockbridge-Munsee Indian Reservation by the Tribal Health Director.

Section 56.5 Effective Period of Ordinance

(A) This ordinance shall be in full force and effect beginning January 1, 1994, and at that time all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

(B) Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected hereby.

(C) Any part of this ordinance may be amended by the Stockbridge-Munsee Tribal Council by a majority vote.

TEMPORARY FOOD SERVICE GUIDELINES

Stockbridge-Munsee Band of Mohican Indians
Health Department
Route 1 Bowler, WI 54416
PH. 715/793-4144

A temporary food service means a facility that operates at a fixed location in conjunction with a single event such as a pow wow, fair, carnival, or other celebration.

I. LOCATION

(A) Temporary food stands must not be less than 100 feet from a building housing animals or other sources of odors, flies or insect infestations.

(B) Toilet facilities must be located within 400 feet.

II. CONSTRUCTION

(A) Each facility must have a roof made of wood, canvas, or other approved material that protects the interior of the establishment from splash, dust, and inclement weather.

(B) Barrels and other containers which have been used for the storage of toxic products shall not be used as a cooking device.

(C) All means of cooking at counters, grills, barbecue pits and other types of cooking must be in

an enclosed area effectively separated, so as not to be accessible to the public, by using fence, rope or similar means.

III. WATER SUPPLY

(A) A potable water supply from an approved source must be provided on the premises for use in food preparation, utensil-washing and employee hand washing.

(B) Temporary restaurants which do not have water under pressure are required to provide food grade water containers which are smooth, easily cleanable and have a tight fitting cover. Containers must be cleaned and sanitized in an approved manner each day prior to commencement of operations.

(C) An electric or gas heating device is required to heat water for hand washing and utensil washing.

(D) Water hoses must be of food grade material, i.e., clear plastic or of nontoxic materials approved by the USDA, FDA and NSF. Water supplies that are connected to hoses shall be protected by an approved backflow prevention device.

IV. UTENSIL CLEANING

(A) Only single-service cups, dishes, and implements shall be used for serving food and drink. These utensils shall be fully protected from contamination, and shall be used only once.

(B) All single-service utensils shall be stored in the original closed container or effectively protected from dust, insects and other contamination and be stored a minimum of 6 inches off the floor. Single-service straws, knives, forks, spoons and toothpicks which are stored in a container which is self-service to the customer, shall be individually wrapped unless served through an approved dispenser or dispensed individually by a food service employee to the customer.

(C) Dishes and utensils must be washed after each use in the following manner: 1) pre-wash (scrape and soak), 2) wash in a good detergent, 3) rinse in clean water, 4) immerse in a 100 ppm bleach solution or other approved sanitizer for two minutes, and 5) air dry. (100 ppm bleach solution = 1/4 ounce bleach per gallon of water.)

V. WASTEWATER DISPOSAL

(A) Liquid waste should be emptied into an approved sewage collection system when such system is available. When not available, liquid waste must be stored in a sealed container. This waste shall be disposed of at a location that will not create a fly, odor, or nuisance problem.

VI. HAND WASHING

(A) Hot water or tempered water must be provided for hand washing. If potable water is under pressure at the facility, a single compartment stainless steel or porcelain handwash sink with

proper liquid waste disposal must be used.

(B) Where potable water is not under pressure, a minimum of two pans or basins for hand washing and rinsing is required (a single basin with two compartments is acceptable). Hand washing basins shall be kept in a clean and sanitary condition. Disposable towels, soap and a waste receptacle shall be provided in the area of the hand washing basins.

(C) An alternative method for hand washing when potable water is not under pressure is as follows: Hot or tempered water in a suitable clean container with a spigot is encouraged for washing and rinsing hands. Water from the spigot will run over the hands while they are being washed and rinsed and the wastewater collected for proper disposal such as in a bucket or pan.

(D) All food service workers shall wash their hands frequently while preparing and serving food. Employees must wash their hands immediately after using the toilet.

VII. PERSONAL HYGIENE

(A) All persons working in concessions will wear clean clothing and caps or hair nets.

(B) No person who has any disease, in a communicable form or is a carrier of such disease, shall work in any temporary food service, and no facility shall employ any such person or persons suspected of having any communicable disease or being a carrier of such disease.

(C) Tobacco products, in any form, shall not be used in the food preparation or serving areas. Employees of the facility shall wash their hands immediately after using any tobacco products.

(D) Unauthorized access to the food preparation area should be prohibited. Only food service workers should be present in the facility.

(E) No children under the age of 15 years shall work in a temporary food service facility.

VIII. FOOD PROTECTION

(A) Potentially hazardous food, such as cream-filled pastries, custards, and similar products, and meat, poultry and fish in the form of salads shall not be served, e.g., potato, chicken and egg salads. No home canned products shall be served. Foods must be from approved sources.

(B) Potentially hazardous foods such as hamburger, salads, eggs, milk, etc., shall be kept refrigerated at a temperature of less than 45 degrees F when not being served. Potentially hazardous hot foods, such as Indian Taco meat or soup, shall be kept hot at 140 degrees F or higher. Frozen foods shall be thawed out at temperatures below 45 degrees F or during the cooking process. No thawing of frozen foods at outdoor temperatures will be allowed.

(C) An accurate and visible thermometer must be located in each refrigeration unit.

(D) An accurate metal stem thermometer must be provided for checking internal temperatures of cold and hot potentially hazardous foods.

(E) All foods and drinks are to be covered at all times to prevent contamination from flies, dust, sneezing, etc. If cloth coverings are used, they shall be used for no other purpose and shall be replaced by clean cloths daily.

(F) Ice, which will be consumed or will come in contact with food, shall be obtained from an approved source in chipped, crushed or cubed form. Such ice shall be obtained in single service closed containers, and shall be held therein or in sanitary covered containers until used. Dippers or scoops shall be used for dispensing ice.

(G) All nonperishable food must be stored in its original container a minimum of 6 inches above the floor of the temporary restaurant.

(H) Nonperishable food which is not stored in its original container must be stored in an approved food grade covered container, and if the food item is not readily recognizable, must be labeled for content.

(I) Sugar, cream, mustard, ketchup and similar products shall be served from individual packages or approved dispensers unless they are served by food service employees.

(J) Items such as pickles, onions and relish shall be served by food service employees unless individually packaged.

(K) Plastic squeeze bottles, pumps and similar types of dispensers must be fabricated so as to be smooth, easily cleanable and capable of being completely disassembled for washing, rinsing and sanitizing.

(L) Live animals shall be excluded from the operational area of the food service facility.

IX. REFUSE

(A) Garbage and refuse shall be routinely removed from the immediate area around the facility to prevent the attraction of flies and the creation of odor and nuisance problems.

(B) Durable waste containers of sufficient size and number, lined with plastic bags and provided with tight-fitting lids, will be provided by the operator of the facility. These containers must be covered at all times. The containers will be emptied as often as necessary to avoid creating a nuisance. When dumpsters are used for daily storage, plastic bags shall be used and tightly closed prior to storage in dumpsters.

X. WASHING AND CLEANING AIDS

(A) All washing aids such as brushes, dish mops and dish cloths used in dishwashing shall be maintained in a clean and sanitary condition. Counter cloths must be stored in an approved sanitizing solution, i.e., 100 ppm chlorine bleach solution (1/4 ounce bleach per gallon of water).

(B) An approved test kit must be used for measuring the level of sanitizer in solution.

(C) Floor cleaning aids such as mops, brooms and buckets should not be stored in food preparation areas.

XI. TOXIC PRODUCT USE

(A) Toxic products must not be used in a way that contaminates food, equipment or utensils or in a way that constitutes a hazard to employees or other persons, or in a way other than in full compliance with the manufacturer's label.

(B) Toxic products shall not be stored above food, food equipment, utensils or single-service articles.

LEGISLATIVE HISTORY

Approved August 3, 1993 by Resolution of Tribal Council, to be effective Jan. 1, 1994.
Draft was developed and recommended by Indian Health Service.

TEMPORARY FOOD SERVICE PERMIT APPLICATION

STOCKBRIDGE-MUNSEE INDIAN RESERVATION

Applicant Name: _____

Address: _____

Phone Number: _____

Names of People Authorized to Work in the Temporary Food Service Facility:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Period of Food Service Operation:

As the owner/operator of this Temporary Food Service Facility, I hereby apply for a permit from the Stockbridge-Munsee Band of Mohican Indians to operate my business on the Stockbridge-Munsee Indian Reservation. I have reviewed the requirements of the TEMPORARY FOOD SERVICE GUIDELINES of the Stockbridge Munsee Band of Mohican Indians and agree to comply with said guidelines.

I understand that failure to comply with any of the requirements of these Guidelines will result in the revocation of my Temporary Food Service Permit.

Owner/Operator

Date

